

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DONALD HALL, :
Petitioner, : Case No. 1:02-cv-488
-vs- : Judge Spiegel
CHRISTOPHER YANAI, Warden, : Magistrate Judge Hogan
Respondent. :

**PETITIONER-APPELLANT DONALD HALL'S
MOTION TO PROCEED IN FORMA PAUPERIS**

Petitioner-Appellant Donald Hall asks this Court to permit him to proceed *in forma pauperis*. Included in Judge Spiegel's decision to dismiss Mr. Hall's Petition for Writ of Habeas Corpus is the provision that Mr. Hall be able to proceed in forma pauperis upon a showing of financial necessity. Because of Mr. Hall's low level of comprehension and illiteracy, he cannot understand this Court's Affidavit of Indigency. Consequently, undersigned counsel has submitted two affidavits with this motion explaining why Mr. Hall cannot submit an affidavit exhibiting his indigency. (See attached affidavits). However, as evidence of Mr. Hall's indigency, undersigned counsel has attached a certificate and report from the Cashier's Office of the Southern Ohio Correctional Facility stating that Mr. Hall's average monthly balance for the past six months has been \$4.50. Based on Mr. Hall's history and current status, he asks that this Court grant his request to proceed in forma pauperis.

Respectfully submitted,

DAVID H. BODIKER - 0016590
Ohio Public Defender

s/Katherine A. Szudy
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COUNSEL FOR PETITIONER
DONALD HALL

CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2005, a copy of the foregoing **PETITIONER-APPELLANT DONALD HALL'S MOTION TO PROCEED IN FORMA PAUPERIS** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's system.

s/Katherine A. Szudy
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